

REMARKS

Summary of the Interview Conducted on June 2, 2009

An interview was conducted at which Attorney Rice and Examiner Mabry were present where amendments to the claims were discussed. Agreement was reached and confirmed in a follow-up call on June 3, 2009.

Amendment of the Claims

All of the following amendments are made to put the claims in condition for allowance or to put the rejected claims in better form for consideration on appeal.

Claims 1, 9, 12 and 13 are amended to correct typographical and punctuation errors.

Claim 1 is amended to delete the terms “heterocyclyl” and “aryl” from the optional substituents on R⁷ of -A-R⁷ and to replace the term “heterocyclylalkyl” with “pyrrolidinylethyl, piperidinylethyl, morpholinylethyl” in order to more particularly point out and distinctly claim what the Applicants regard as their invention. Support for can be found in compounds 82, 83, and 85 in Table 1.

In Claims 1, 9, and 12, the R⁴ and R⁵ groups are amended to replace R⁷ with “alkyl,” “1,3-dioxo-isoindol-2-ylethyl,” and “aryl.” Support for these changes can be found in the original listing of groups in R⁷ as well as in compounds 28, 51, 64, 67, 74, 76, 77, 95, 96, 97, 101, 102, 103, 104, 105, 106, 108, 110, 111, 113, 115, 117 and 118 in Table 1.

In Claim 1, R⁶, R⁷, and R¹⁵ are amended to more particularly point out and distinctly claim what the Applicants regard as their invention.

In Claim 9, the optional substituents on the R¹² C₁₋₈alkyl are amended to more particularly point out and distinctly claim what the Applicants regard as their invention. The term “heterocyclyl,” is replaced with the term “pyrrolidinylethyl, piperidinylethyl, morpholinylethyl.” Support for replacing the term “heterocyclyl” with “pyrrolidinylethyl, piperidinylethyl, morpholinylethyl” can be found in compounds 82, 83, and 85 in Table 1.

In Claim 9 and 12, R⁷ and R¹⁵ are amended to more particularly point out and distinctly claim what the Applicants regard as their invention.

Claim 13 is amended to more particularly point out and distinctly claim what the Applicants regard as their invention with respect to R⁶, R⁷, and the optional substituents on the phenyl formed when R⁴ and R⁵ are combined.

Claim 40 is amended to add compound 28, and Claim 41 is amended to delete compound 28. This change is made to correct an error in dependency. Claim 41 is amended to delete Compound 1 which is not within the scope of the present restriction group. Claim 41 is amended to delete compound 14 which is not within the scope of the present restriction group. Claim 42 is amended to add compound 42, and Claim 43 is amended to delete compound 42. This change is made to correct an error in dependency.

35 U.S.C. § 112 Rejection

Applicants respectfully disagree with the Office regarding enablement. However, in order to expedite examination, the Applicants have amended the scope. In light of the above amendments, the Applicants believe that the enablement rejection has been overcome and respectfully request its withdrawal.

Clarification

The Final Rejection and the Advisory Action state that Claims 39, 40, 41, 42, 43, 44, 45, 46, and 48 are rejected and not allowable. Claims 39, 40, 41, 42, 43, 44, 45, 46, and 48 are directed to specific compounds of the invention. Applicants do not believe that the enablement rejection, the only remaining rejection, set forth in the Final Rejection and re-confirmed in the Advisory Action applies to these claims. Claims 39, 40, 41, 42, 43, 44, 45, 46, and 48 thus encompass allowable subject matter regardless of the disposition of the enablement rejection.

SUMMARY

In view of the foregoing, the Applicants believe the Application is in condition for allowance and respectfully request entry of the amendments and reconsideration of the objections and rejections for the above given reasons.

It is believed that a fee of \$490 is due with the submission of this response. However, should any fees be required by the USPTO in order to process this submission

and the papers attached, the Commissioner is hereby authorized to charge the necessary fees to Deposit Account Number 50-1108.

Respectfully submitted,

June 3, 2009
Date

/Janice V. Rice/
Janice V. Rice, Reg. No. 50,606
Attorney for the Applicants
Exelixis, Inc.

Physical Address:
249 East Grand Avenue
South San Francisco, CA 94080-4804

Mailing Address:
PO Box 511
South San Francisco, CA 94083-0511

Tel. (650) 837-7553 (direct)
Fax: (650) 837-8234